

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

SHELLY SPENCER,	:	CIVIL DIVISION
	:	
Plaintiff,	:	
	:	Civil Action No.: 1:22-cv-23
v.	:	
	:	
WALMART, INC.,	:	<i>Electronically Filed</i>
	:	
Defendant.	:	

**NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Defendant Wal-Mart Stores East, L.P. asserting as follows:

1. The above-described action was commenced by the filing of a Complaint on or about December 23, 2021 in the Court of Common Pleas of Erie County, Pennsylvania, against Defendant, Walmart, Inc. (A true and correct copy of the Complaint is attached hereto as Exhibit “A”.)

2. Walmart Inc. is a foreign corporation formed in Delaware with a principle place of business in Bentonville, Arkansas.

3. Plaintiff served Defendant with a copy of the Complaint via certified mail on January 3, 2022. (A true and correct copy of the Proof of Service is attached hereto as Exhibit “B”.)

4. Defendant believes that at the time this action was initially commenced, and at the current time, Plaintiff was a resident of Erie County, Pennsylvania. See Ex. A, ¶ 1.

5. The Complaint seeks an award in excess of the arbitration limits of Erie County (\$50,000.00), but no specific sum is demanded in the Complaint.

6. Among other injuries, it is understood that Plaintiff claims damages for a serious injury to her left leg, including an alleged ruptured quadriceps tendon which required surgical intervention. See Ex. A, ¶16.

7. Based on these alleged injuries and damages, Plaintiff's counsel has advised the undersigned counsel that this case is valued in excess of \$75,000.00.

8. This Notice of Removal is filed within thirty (30) days after Defendant, Wal-Mart Stores East, L.P., was served with a copy of Plaintiff's Complaint on January 3, 2022, which apprised this Defendant of the amount in controversy, and within one (1) year of the commencement of this matter by Plaintiff on December 23, 2021 by the filing of the Initial Complaint; thus, it is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

9. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Defendant Wal-Mart Stores East, L.P. requests that this action now pending in the Court of Common Pleas of Erie County at No. 2021-12757 be removed to this Honorable Court.

**JURY TRIAL IS DEMANDED.**

Respectfully submitted,

THOMAS, THOMAS & HAFFER LLP

Date: 1/20/2022

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***Counsel for the Defendant, Walmart Inc.***

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